

**Lou Silver, Inc.
Penobscot County
Newburgh, Maine
A-750-71-G-R**

**Departmental
Findings of Fact and Order
Air Emission License**

After review of the air emissions license application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., § 344 and § 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

Lou Silver, Inc. (LSI) based in Newburgh, Maine has applied to renew their Air Emission License permitting the operation of emission sources associated with their crushed stone and gravel facility.

B. Emissions Equipment

Rock Crushers and Process Equipment

<u>Designation</u>	<u>Powered</u>	<u>Process Rate (tons/hour)</u>	<u>Date of Manufacture</u>	<u>Control Device</u>
Jaw Crusher	electric	235	1998	Spray Nozzles
Triple Roll Crusher	electric	235	1960	Spray Nozzles

Diesel Units

<u>Source ID</u>	<u>Power Output (kW)</u>	<u>Max. Capacity (MMBtu/hr)</u>	<u>Max. Firing Rate (gal/hr)</u>	<u>Fuel Type, % sulfur</u>
Generator #2	≤ 600	≤ 5.85	≤ 42.7	diesel fuel, 0.05%

C. Application Classification

The application for LSI does not include the licensing of increased emissions or the installation of new or modified equipment, therefore the license is considered to be a renewal of current licensed emissions units only per *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115 (last amended December 24, 2005).

II. BEST PRACTICAL TREATMENT

A. Introduction

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in *Definitions Regulation*, 06-096 CMR 100 (last amended December 24, 2005). Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

B. Rock Crushers

The jaw and triple roll rock crushers are portable units which were manufactured in 1998 and 1960, respectively with rated capacities of 235 ton/hr each. These rock crushers have been determined to both be subject to EPA New Source Performance Standards (NSPS) Subpart OOO for Nonmetallic Mineral Processing Plants. An initial performance test was performed on 10/25/02.

The regulated pollutant from the rock crushers is particulate emissions. To meet the requirements of Best Practical Treatment (BPT) for control of particulate matter (PM) emissions from the rock crushers, LSI shall maintain water sprays on the rock crushers and operate as needed to control visible emissions. Visible emissions from the rock crushers shall be limited to no greater than 10% opacity on a six (6) minute block average basis.

C. Generator #2

Generator #2 is a rental unit used to power the facility's rock crushers. The exact size of the generator may change from year to year based on equipment availability. It is anticipated that the generator would never exceed 600 kW and LSI has accepted a license restriction to this effect.

A summary of the BPT analysis for Generator #2 is the following:

1. The total fuel use for Generator #2 shall not exceed 60,000 gallons per calendar year of diesel fuel with a sulfur content not to exceed 500 ppm.
2. Beginning October 1, 2010, Generator #2 shall fire only diesel fuel with a maximum sulfur content not to exceed 15 ppm.
3. *Fuel Burning Equipment Particulate Emission Standard*, 06-096 CMR 103 (last amended November 3, 1990) regulates PM emission limits. The PM₁₀ limits are derived from the PM limits.
4. NO_x, CO, and VOC emission limits are based upon AP-42 data dated 10/96.
5. Visible emissions from Generator #2 shall not exceed 20% opacity on a six (6) minute block average, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period.

D. Stock Piles and Roadways

Visible emissions from a fugitive emission source shall not exceed an opacity of 20%, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20% in any one (1) hour.

E. General Process Emissions

Visible emissions from a general process (including conveyor belts) shall not exceed an opacity of 10% on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 1-hour period.

F. Facility Emissions

LSI shall be restricted to the following annual emissions, based on a calendar year:

Total Licensed Annual Emissions for the Facility
(used to calculate the annual license fee)

	PM	PM ₁₀	SO ₂	NO _x	CO	VOC
Generator #2	0.5	0.5	0.2	18.1	3.9	1.5
Total TPY	0.5	0.5	0.2	18.1	3.9	1.5

III. AMBIENT AIR QUALITY ANALYSIS

According to 06-096 CMR 115, the level of air quality analyses required for a renewal source shall be determined on a case-by-case basis. Modeling and monitoring are not required of a renewal if the total emissions of any pollutant released do not exceed the following:

<u>Pollutant</u>	<u>TPY</u>
PM	25
PM ₁₀	25
SO ₂	50
NO _x	100
CO	250

Based on the above total facility emissions, LSI is below the emissions level required for modeling and monitoring.

ORDER

Based on the above Findings and subject to conditions listed below the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-750-71-G-R subject to the following conditions.

Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples,

- conducting inspections, or examining and copying records relating to emissions. [06-096 CMR 115]
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [06-096 CMR 115]
 - (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 CMR 115]
 - (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 CMR 115]
 - (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to 38 M.R.S.A. § 353. [06-096 CMR 115]
 - (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 CMR 115]
 - (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [06-096 CMR 115]
 - (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [06-096 CMR 115]
 - (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [06-096 CMR 115]
 - (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been

necessary in order to maintain compliance with the conditions of the air emission license. [06-096 CMR 115]

- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
- A. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - 1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 - 2. pursuant to any other requirement of this license to perform stack testing.
 - B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - C. submit a written report to the Department within thirty (30) days from date of test completion.
- [06-096 CMR 115]
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
 - B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
 - C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.

[06-096 CMR 115]

- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [06-096 CMR 115]
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [06-096 CMR 115]
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [06-096 CMR 115]

SPECIFIC CONDITIONS

(16) Rock Crushers

- A. LSI shall install and maintain spray nozzles for particulate control on the jaw and triple roll crushers and operate them as necessary to limit visible emissions to no greater than 10% opacity on a six (6) minute block average basis. [06-096 CMR 115 (BPT) and 06-096 CMR 101]
- B. The operator shall maintain a log detailing the maintenance on particulate matter control equipment (including spray nozzles). The operator shall perform monthly inspections of any water sprays to ensure water is flowing to the correct locations and initiate corrective action within 24 hours if water is found to not be flowing properly. Records of the date of each inspection and any corrective action required will be included in the maintenance log. The maintenance log shall be kept on-site at the rock crushing location. [06-096 CMR 115, BPT]
- C. LSI shall maintain a log detailing and quantifying the hours of operation on a daily basis for all of the jaw and triple roll rock crushers. The operation log shall be kept on-site at the rock crushing location. [06-096 CMR 115, BPT]

(17) **New Source Performance Standards for rock crushers**

- A. The jaw and triple roll crushers are subject to 40 CFR Part 60 Subparts A and OOO and LSI shall comply with the notification and record keeping requirements of 40 CFR Part 60.676 and Part 60.7, except for Section (a)(2) of 60.7 per Subpart OOO, §60.676(h).

(18) **Generator #2**

- A. Generator #2 is a rental unit and may be replaced without additional permitting action. However, Generator #2 shall not exceed a capacity of 600 kW.
- B. Total fuel use for Generator #2 shall not exceed 60,000 gallons per calendar year of #2 fuel oil with a maximum sulfur content not to exceed 500 ppm. Compliance shall be based on fuel receipts from the supplier showing the quantity of fuel delivered and the sulfur content of the fuel. Records of fuel use shall be kept on an annual basis. [06-096 CMR 115, BPT]
- C. Beginning October 1, 2010, Generator #2 shall fire only diesel fuel with a maximum sulfur content not to exceed 15 ppm. [06-096 CMR 115 BPT]
- D. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Generator #2	PM	0.12	06-096 CMR 103(2)(B)(1)(a)

- E. Emissions shall not exceed the following [06-096 CMR 115, BPT]:

Emission Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Generator #2	0.70	0.70	0.30	25.80	5.56	2.05

- F. Visible emissions from Generator #2 shall not exceed 20% opacity on a six (6) minute block average, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 101]

(19) Stockpiles and Roadways

Visible emissions from a fugitive emission source shall not exceed an opacity of 20%, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20% in any one (1) hour. [06-096 CMR 101]

(20) General Process Sources

Visible emissions from any general process source shall (including conveyor belts) not exceed an opacity of 10% on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 1-hour period. [06-096 CMR 101 and 06-096 CMR 115, BPT]

(21) Equipment Relocation [06-096 CMR 115, BPT]

A. LSI shall notify the Bureau of Air Quality, by a written notification at least 48 hours prior to relocation of any equipment carried on this license. Written notice may be sent by mail, facsimile (fax), or e-mail. Notification sent by mail shall be sent to the address below or to a Department Regional Office:

Attn: Relocation Notice
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

Equipment relocation notification can also be done on-line with e-notice at www.maine.gov/dep/air/compliance/forms/relocation.

The notification shall include the address of the equipment's new location, an identification of the equipment and the license number pertaining to the relocated equipment.

B. Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification will be made to the respective county commissioners.

(22) LSI shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order. [06-096 CMR 115, BPT]

- (23) LSI shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard [38 M.R.S.A. §605-C].

DONE AND DATED IN AUGUSTA, MAINE THIS DAY OF 2008.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAVID P. LITTELL, COMMISSIONER

The term of this license shall be five (5) years from the signature date above.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 5/28/08

Date of application acceptance: 6/5/08

Date filed with the Board of Environmental Protection: _____

This Order prepared by Lynn Ross, Bureau of Air Quality.